

San Jose accepts, county delays anti-bias law for homosexuals

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An ordinance that would protect homosexuals in San Jose from discrimination in housing, employment and public accommodations was approved in concept Tuesday night by the San Jose City Council, but a similar measure was deferred by the Santa Clara County Board of Supervisors.

On a 6-1 vote, the council directed the city attorney's office to draft an anti-discrimination ordinance relating to sexual orientation.

The so-called gay rights ordinance will come back to the council for final action or amendment either Aug. 14 or Aug. 21.

The county board postponed action because it must file a declaration that the ordinance will not have any negative impact on the environment, said Paul Mason, deputy county counsel. The supervisors indicated, however, that they will vote 4-1 to approve the measure.

The San Jose decision was a victory for the gay community, which last year ran into a city council divided over designating a "gay pride week" in San Jose.

This time only Councilman Larry Pegram opposed the ordinance.

Pegram said he objects on grounds of personal morals, that the ordinance would give homosexuals preference, that costs of enforcement are unknown and that it might discourage industry from moving to San Jose.

Other council members said the ordinance

would be based on human rights and would combat discrimination.

"The issue is discrimination. We're not condoning homosexuals. It's a matter of protection," Mayor Hayes told the 450 persons who packed the council chambers.

There were numerous opponents and supporters of the ordinance at the meeting, but for the first time gay rights advocates outnumbered opponents.

Among the opponents were the Rev. Mark Platt of the Berryessa Evangelical Free Church. He said, that measure would tip the balance and would have "homosexuals foisting themselves on us. Homosexuals have a right to practice it but not the right to have us approve it," Platt said.

Others opposed the ordinance said they were not asking for the "expulsion from society" of homosexuals but they wanted to "reserve the right to choose with whom we want to associate."

Supporting the gay rights ordinance was Jerel McCrary, an attorney from San Francisco who represents gay advocates. "This is a basic civil rights issue. It cuts across all segments of society and you as a council should recognize that," McCrary said. Among those supporting the ordinance were the National Organization for Women, the Northern California Democratic Council and the United Steelworkers Union.

More than 400 persons also packed the super-

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visors' chambers for the debate on the county measure.

On June 12 the supervisors ordered the drafting of the ordinance, which would ban sexual bias in housing, employment and access to government services.

Several changes were made to the original ordinance. Church-related organizations — church-sponsored day care or programs for the elderly, for example — are exempt from the ordinance, Mason said, if they are not government funded.

Transvestism, he said, is now protected by the ordinance.

Regulations of dress and conduct are not an unlawful practice, Mason said, if they are job related and applied equally and fairly to all employees. And the mediation procedure also has been changed from the original ordinance. A person with a grievance can now initiate a lawsuit without the approval of a human relations panel, he said.

The county ordinance also has sparked heated debate since it was originally proposed by the county Human Relations Commission two months ago. Tuesday's session was no exception.

Marshall DeVaugh opposed the ordinance and said he has strong backing.

"I speak as one who has had a revelation from Jesus Christ. I'm able to speak for Him . . ." Several people laughed and he continued, "despite the hilarity of those unbelievers here."

Barney Grubbs disagreed and said he was backed by the same source as DeVaugh. "I am a born-again Christian and I am gay. I am in no condemnation. I have liberty through Jesus Christ."

Supervisors Dan McCorquodale, Rod Diridon, Gerry Steinberg and Susanne Wilson indicated they would vote for the ordinance. Supervisor Dom Cortese is the lone dissenter.